

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3.B.3 to permit side yard setbacks of 20 feet and a rear yard setback of 39 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Existing 100 foot-wide lot would not be useable without a side yard setback variance to 50 foot requirement. House cannot be placed further forward on the lot because of the required septic area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

CRAIG E. MACGREGOR JOHNSON
(Type or Print Name)

Signature

1916 High Point Road
Address

FOREST HILL, MARYLAND 21052
City and State

Attorney for Petitioner:
(Type or Print Name)

NONE
Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

CRAIG E. JOHNSON
Name

1916 High Point Road
Address

FOREST HILL, MARYLAND 21052
City and State

Attorney's Telephone No.:
Address

Legal Owner(s):

PAUL W. RUTKOWSKI
(Type or Print Name)

Signature

CATHERINE L. RUTKOWSKI
(Type or Print Name)

Signature

Address

BALTIMORE, MD. 21201
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

CRAIG E. JOHNSON
Name

1916 High Point Road
Address

FOREST HILL, MARYLAND 21052
City and State

Attorney's Telephone No.:
Address

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of May, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of June, 1986, at 9:30 o'clock a.m.

Signature

Zoning Commissioner of Baltimore County.

(over)

86-526-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of May, 1986.

Signature
ARNOLD JABLON
Zoning Commissioner

Petitioner Paul W. Rutkowski, et ux Received by: JAMES E. DYER
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

IN RE: PETITION FOR ZONING VARIANCE
S/S of Evergreen Lane
350' SW of Kelly Case Lane
15th Election District
Paul W. Rutkowski, et ux,
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-526-A

The Petitioners herein request a zoning variance to permit side yard setbacks of 20 feet and a rear yard setback of 39 feet in lieu of the required 50 feet.

Testimony by the contract purchasers indicates that, without a variance, no dwelling could be constructed on the property. In addition, the location of existing wells and septic areas on adjacent properties dictates the placement of the well, septic and dwelling on the subject site. The house is in line with the dwelling under construction on the east. They wish to retain as many trees as possible.

There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; and the granting of the requested variances not adversely affecting the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 2nd day of July, 1986 that the herein request for a zoning

variance to permit side yard setbacks of 20 feet and a rear yard setback of 39 feet in lieu of the required 50 feet, in accordance with the plan submitted and filed herein, identified as Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

- Compliance with the following mitigative practices designed to minimize adverse impacts on water quality and fish, wildlife, and plant habitat in the Maryland Chesapeake Bay Critical Area:
 - Plant and maintain no less than five (5) large deciduous, or ten (10) conifers, or ten (10) small deciduous trees on the lot, or a combination of these three classes of trees.
 - Rain water runoff from impervious surfaces shall be spread over the lawn or other pervious surfaces.

Signature
Deputy Zoning Commissioner
of Baltimore County

DATE 7/8/86
BY Peter J. Friedman

ZONING DESCRIPTION

Beginning on the south side of Evergreen Lane 30 feet wide, at a distance of 350 feet southwest of the corner of Kelly-Case Lane. Being Lots 109 & 110, Book No. 7, Folio 174, in the 15th Election District.

FOR ZONING VARIANCE

OWNERS: Paul & Catherine Rutkowski
PURCHASERS: Craig & Margaret Johnson
ELECTION DISTRICT: 15 ZONED RC5
Lots 109 & 110 Evergreen Park
Book No. 7, Folio 174

PETITION FOR ZONING VARIANCES

15th Election District

Case No. 86-526-A

LOCATION: South Side of Evergreen Lane, 350 feet Southwest of Kelly Case Lane

DATE AND TIME: Wednesday, June 25, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit side yard setbacks of 20 feet in lieu of the required 50 feet and a rear yard setback of 39 feet in lieu of the required 50 feet

Being the property of Paul W. Rutkowski, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Paul W. Rutkowski
1031 Foxcroft Lane
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
S/S of Evergreen Lane
350' SW of Kelly Case Lane
15th Election District
Case No. 86-526-A

Dear Mr. & Mrs. Rutkowski:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
Signature
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Attachments

cc: Mr. & Mrs. Craig Johnson
1916 High Point Road
Forest Hill, Maryland 21050

People's Counsel

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Evergreen La., 350' : OF BALTIMORE COUNTY
SW of Kelly Case La., :
15th District :
PAUL W. RUTKOWSKI, et ux, : Case No. 86-526-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Paul W. Rutkowski, 1031 Foxcroft Lane, Baltimore, MD 21221, Petitioners; and Craig and Margaret Johnson, 1916 High Point Rd., Forest Hill, MD 21050, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 18, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204Mr. & Mrs. Paul W. Rutkowski
1031 Foxcroft Lane
Baltimore, Maryland 21221

090

Chairman

MEMBERS

Bureau of
EngineeringDepartment of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
DevelopmentRE: Item No. 399 - Case No. 86-526-A
Petitioner: Paul W. Rutkowski, et ux
Variance Petition

Dear Mr. & Mrs. Rutkowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dwyer, Jr.*JAMES E. DWYER, JR.
Chairman
Zoning Plans Advisory Committee

JED:hsc

Enclosures

cc: Mr. Craig Johnson
1916 High Point Road
Baltimore, MD. 21234BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500PAUL H. REINCKE
CHIEF

May 20, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Attention: Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Paul W. Rutkowski, et ux (Critical Area)

Location: S/S Evergreen La., 350' SW Kelly Case Lane

Item No.: 399 Zoning Agenda: Meeting of 5/13/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be collected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul W. Rutkowski*
Noted and
Approved: *John F. O'Neill*
Special Inspection Division

/mb

SPEC. NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of the physical value.

April 1985

Zoning Item # 399, Zoning Advisory Committee Meeting of May 13, 1986
Page 2

() Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.

(X) Soil percolation tests (_____ must be) conducted.
() The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

(X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
() shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

() Others _____

John F. O'Neill
John F. O'Neill, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610TED ZALESKI, JR.
DIRECTOR

May 19, 1986

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 399 Zoning Advisory Committee Meeting are as follows:

Property Owner: Paul W. Rutkowski, et ux (CRITICAL AREA)
Location: S/S Evergreen Lane, 350 feet SW Kelly Case Lane
District: 15th.

APPLICABLE CODES AND ORDINANCES:

() All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.D.A.), #12-1, and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction.

() Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

() Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

() All the Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. For the Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 108.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

() The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

() When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 312 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

() These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

John F. O'Neill
John F. O'Neill, Chief
Building Plans Review

4/22/86

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 399, Zoning Advisory Committee Meeting of May 13, 1986

Property Owner: Paul W. Rutkowski

Location: S/S Evergreen Lane, 350' SW Kelly Case Lane District 15th

Water Supply Private Sewage Disposal Private

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathroom, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

The Zoning Commissioner of Baltimore County
County Court House
Towson, Maryland 21204

Dear Sir:

We would like to request an early hearing before the commission for the following reasons:

1) Settlement of the property in question is dependant upon the outcome of the zoning hearing. The settlement date has already been postponed once. Two families are awaiting the decision of the commission.

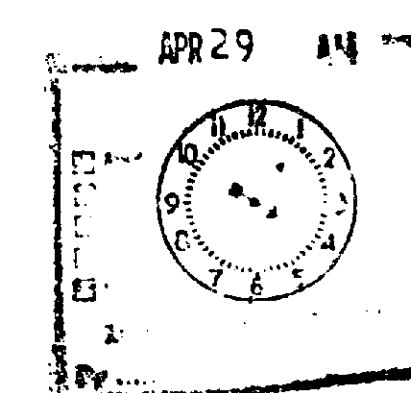
2) Since Mr. Johnson will be building the house by himself, it is imperative that he be permitted to begin construction as soon as possible so as to have the house under roof before bad weather.

3) A financial burden will be placed upon our family since we have found it necessary to place many of our belongings in storage and to rent an apartment in the interim between the selling of our present home and the completion of the home we plan to build on Evergreen Lane.

4) It is our desire to reside in Baltimore County as quickly as possible.

Thank you very much for considering our plea; we look forward to a prompt response from your office.

Sincerely,

Craig Johnson
Craig Johnson
Mr. & Mrs. Craig Johnson

OFFICE COPY

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204JUNE 2, 1986
(CRITICAL AREA)

Re: Zoning Advisory Meeting of May 13, 1986

Item # 399

Property Owner: Paul W. Rutkowski, et ux

Location: S/S Evergreen La., 350' SW Kelly Case Lane

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-29 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () The property is located in a defined service area as defined by Bill 128-79. No building permit may be issued until a Reverse Capacity Use Certificate has been issued. The Deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 128-79, and its conditions change and evaluations annually by the County Council.

(X) THIS SITE IS LOCATED IN THE CHESAPEAKE BAY
RE-DEVELOPMENT AREA. ADDITIONAL COMMENTS WILL
BE PROVIDED BY THE COMPREHENSIVE PLANNING
DIVISION.

cc: James Howell

Eugene A. Rober
Chief, Current Planning and Development

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Existing 100 foot-wide lot would not be useable without a side yard setback variance to 50 foot requirement. House cannot be placed further forward on the lot because of the required septic area.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

CRAIG E. MACGREGOR JOHNSON

(Type or Print Name)

1916 High Point Road

Address

FOREST HILL, MARYLAND 21050

City and State

Attorney for Petitioner:

NONE

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

PAUL W. RUTKOWSKI

(Type or Print Name)

Signature

CATHERINE L. RUTKOWSKI

(Type or Print Name)

Signature

1031 Foxcroft Lane

Address

BALTIMORE, MD. 21201

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

CRAIG E. JOHNSON

Name

1916 High Point Road

Address

FOREST HILL, MARYLAND 21050

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of May, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of June, 1986, at 9:30 o'clock a.m.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

(over)

86-526-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 21st day of May, 1986

ARNOLD JABLON
Zoning Commissioner

Petitioner Paul W. Rutkowski, et ux Received by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

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There were no Protestants.

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having determined that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; and the granting of the requested variances not adversely affecting the health, safety, and general welfare of the community, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 2nd day of July, 1986 that the herein request for a zoning

variance to permit side yard setbacks of 20 feet and a rear yard setback of 39 feet in lieu of the required 50 feet, in accordance with the plan submitted and filed herein, identified as Petitioner's Exhibit 1, is GRANTED, from and after the date of this Order, subject to the following restrictions:

- Compliance with the following mitigative practices designed to minimize adverse impacts on water quality and fish, wildlife, and plant habitat in the Maryland Chesapeake Bay Critical Area:
 - Plant and maintain no less than five (5) large deciduous, or ten (10) conifers, or ten (10) small deciduous trees on the lot, or a combination of these three classes of trees.
 - Rain water runoff from impervious surfaces shall be spread over the lawn or other pervious surfaces.

Deputy Zoning Commissioner
of Baltimore County

DATE 7/2/86 BY Peter J. Friedman

DATE 7/2/86 BY Peter J. Friedman

PETITION FOR ZONING VARIANCES

15th Election District

Case No. 86-526-A

LOCATION: South Side of Evergreen Lane, 350 feet Southwest of Kelly Case Lane

DATE AND TIME: Wednesday, June 25, 1986, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit side yard setbacks of 20 feet in lieu of the required 50 feet and a rear yard setback of 39 feet in lieu of the required 50 feet

Being the property of Paul W. Rutkowski, et ux, as shown on plat plan filed with the Zoning Office.

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BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Paul W. Rutkowski
1031 Foxcroft Lane
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
S/S of Evergreen Lane
350' SW of Kelly Case Lane
15th Election District
Case No. 86-526-A

Dear Mr. & Mrs. Rutkowski:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Attachments

cc: Mr. & Mrs. Craig Johnson
1916 High Point Road
Forest Hill, Maryland 21050

People's Counsel

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Evergreen La., 350' : OF BALTIMORE COUNTY
SW of Kelly Case La., :
15th District :
PAUL W. RUTKOWSKI, et ux, : Case No. 86-526-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 10th day of June, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Paul W. Rutkowski, 1031 Foxcroft Lane, Baltimore, MD 21221, Petitioners; and Craig and Margaret Johnson, 1916 High Point Rd., Forest Hill, MD 21050, Contract Purchasers.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 18, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204Mr. & Mrs. Paul W. Rutkowski
1031 Foxcroft Lane
Baltimore, Maryland 21221

090

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentRE: Item No. 399 - Case No. 86-526-A
Petitioner: Paul W. Rutkowski, et ux
Variance Petition

Dear Mr. & Mrs. Rutkowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commission with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dwyer, Jr.*JAMES E. DWYER, JR.
Chairman
Zoning Plans Advisory Committee

JED:hsc

Enclosures

cc: Mr. Craig Johnson
1916 High Point Road
Baltimore, MD. 21234BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500PAUL H. RENCKE
CHIEF

May 20, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204Attention: Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Paul W. Rutkowski, et ux (Critical Area)

Location: S/S Evergreen La., 350' SW Kelly Case Lane

Item No.: 399 Zoning Agenda: Meeting of 5/13/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be collected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul W. Rutkowski* Noted and
Approved: *John F. O'Neill*
Special Inspection Division

/mb

SPECIAL NOTE FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of the physical value.

April 1985

Zoning Item # 399, Zoning Advisory Committee Meeting of May 13, 1986
Page 2

() Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.

() Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.

(X) Soil percolation tests (_____ must be) conducted.
() The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

(X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

() shall be valid until _____.
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.

() Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

() Others _____

John F. O'Neill
John F. O'Neill, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

May 19, 1986

TED ZALESKI, JR.
DIRECTORMr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 399 Zoning Advisory Committee Meeting are as follows:

Property Owner: Paul W. Rutkowski, et ux (CRITICAL AREA)
Location: S/S Evergreen Lane, 350 feet SW Kelly Case Lane
District: 15th.

APPLICABLE CODES AND ORDINANCES:

() All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.D.A.), #12-1, and other applicable Codes and Standards.

() A building and other miscellaneous permits shall be required before the start of any construction.

() Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

() Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

() All the Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. But the Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 107, Section 108.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

() The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.

() The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

() When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 312 of the Building Code.

() The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments:

() These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

John F. O'Neill
John F. O'Neill, Chief
Building Plans Review

4/22/86

JUNE 2, 1986
(CRITICAL AREA)

Re: Zoning Advisory Meeting of May 13, 1986

Item # 399
Property Owner: PAUL W. RUTKOWSKI, et ux
Location: S/S EVERGREEN LA. 350' SW KELLY CASE LANE

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- (X) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-29 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on _____.
- (X) Landscaping: Must comply with Baltimore County Landscape Manual.
- (X) The property is located in a deficient service area as defined by Bill 128-79. No building permit may be issued until a Reverse Capacity Use Certificate has been issued. The deficient service is _____.
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 125-79, and its conditions change and evaluations annually by the County Council.

Additional comments:
(X) THIS SITE IS LOCATED IN THE CHESAPEAKE BAY
RE-DEVELOPMENT AREA. ADDITIONAL COMMENTS WILL
BE PROVIDED BY THE COMPREHENSIVE PLANNING
DIVISION.

cc: James Howell

Eugene A. Rober
Chief, Current Planning and Development

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 399, Zoning Advisory Committee Meeting of May 13, 1986

Property Owner: PAUL W. RUTKOWSKI

Location: S/S EVERGREEN LANE, 350' SW KELLY CASE LANE District 15th

Water Supply Private Sewage Disposal Private

COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathroom, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

(X) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

The Zoning Commissioner of Baltimore County
County Court House
Towson, Maryland 21204

Dear Sir:

We would like to request an early hearing before the commission for the following reasons:

1) Settlement of the property in question is dependant upon the outcome of the zoning hearing. The settlement date has already been postponed once. Two families are awaiting the decision of the commission.

2) Since Mr. Johnson will be building the house by himself, it is imperative that he be permitted to begin construction as soon as possible so as to have the house under roof before bad weather.

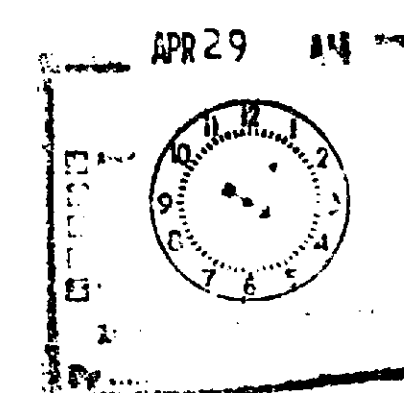
3) A financial burden will be placed upon our family since we have found it necessary to place many of our belongings in storage and to rent an apartment in the interim between the selling of our present home and the completion of the home we plan to build on Evergreen Lane.

4) It is our desire to reside in Baltimore County as quickly as possible.

Thank you very much for considering our plea; we look forward to a prompt response from your office.

Sincerely,

Craig Johnson
Craig Johnson
Mr. & Mrs. Craig Johnson



OFFICE COPY